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ABSTRACT

Recognizing that communications satellites are capable of broadcasting programs for individual or community reception, and that the Universal Declaration of Human Rights proclaims that everyone has the right to receive and impart information through any media regardless of frontiers, the following guiding principles are proclaimed: (1) Satellite broadcasting shall be guided by international law; (2) satellite broadcasting shall respect the sovereignty of all States; (3) the benefits of satellite broadcasting should be available to all countries without discrimination; (4) satellite broadcast international news programs should identify the body which assumes responsibility for the programs; (5) each country has the right to decide on the content of educational programs broadcast by satellite to its people; (6) cultural programs broadcast by satellite should respect the right of all peoples to preserve their culture; (7) commercial advertising should be subject to specific agreement between transmitting and receiving countries; (8) broadcasters' national and international associations should be encouraged to cooperate. (MG)

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DRAFT DECLARATION OF GUIDING PRINCIPLES ON THE USE OF SATELLITE BROADCASTING FOR THE FREE FLOW OF INFORMATION THE SPREAD OF EDUCATION AND GREATER CULTURAL EXCHANGE

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SUMMARY

This report, submitted pursuant to 16 C/Res. 4.132 (b) is in two parts: Part I sets forth the background of the preparation of a Draft Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange; Part II contains the text of the Draft Declaration submitted to the General Conference for adoption.

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PART I

BACKGROUND OF THE DRAFT DECLARATION

1. The General Conference, at its sixteenth session, authorized the Director-General, with the assistance of an advisory panel and in co-operation with the United Nations and the International Telecommunications Union, to prepare for the consideration of the General Conference, at its seventeenth session, a Draft Declaration on Guiding Principles for the Use of Space Communication for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange (16 C/Res. 4.132 (b)). The present text is the outcome of extensive consultations over the past two years and of studies which date back to the beginning of Unesco's programme in this field.

2. As early as 1962, the General Conference authorized the Director-General to undertake studies on the consequences which the new techniques of communication by artificial satellites might have on the achievement of Unesco's objectives (12 C/Res. 5.112). The following year, a Unesco report on "Space Communication and the Mass Media" was submitted to the Extraordinary Administrative Radio Conference convened by the International Telecommunications Union to allocate frequency bands for space telecommunications.

3. In 1964, at the thirteenth session of the General Conference, the Director-General was authorized to convene a meeting of experts to define the principles and main lines of a long-term programme in the space communication field and to co-operate with international organizations in the development and effective use of space communication in accordance with Unesco's objectives (13 C/Res. 4.2123). At this meeting, convened in Paris at the end of 1965, experts from a broad range of disciplines, including broadcasters, educators, scientists and technicians urged Unesco, in co-operation with the professional organizations concerned, to undertake a study of the problems posed by space communication for the free flow of information, the spread of education and greater cultural exchange.

4. On the basis of the meeting's recommendations, the Director-General submitted a report on a long-term programme in space communication to the General Conference at its fourteenth session (14 C/25). It was proposed, inter alia, that Unesco should "define the international agreements that will permit the full development and wide use of communication satellites and, where appropriate, ... encourage the conclusion of such agreements". In approving the programme, the General Conference authorized the Director-General "to undertake studies on those aspects of space communication which are within the competence of Unesco, with a view to formulating proposals for international arrangements designed to ensure the development of space communication in the public interest of all Member States" (14 C/Res. 4.13).

5. As a further step in this programme, a Unesco expert meeting held in Paris in 1968 brought together representatives of broadcasting organizations from the various regions. They observed in their report that international agreements were essential in order to avoid "chaos" in the use of satellites for communication purposes, and they drew up a list of objectives for such agreements.

6. Some of these objectives go beyond Unesco's own mandate. Regulatory and technical aspects such as the use of radio frequencies are within the purview of the International Telecommunications Union. Political and legal aspects of freedom of information are within the competence of the United Nations. Other objectives, however, fall within Unesco's constitutional responsibility to promote the free flow of information, the spread of education and greater cultural exchange, and to encourage international co-operation to this end.

7. It was against this background that the General Conference in 1968 authorized the Director-General to formulate proposals for international arrangements to promote the use of space communication for the furtherance of Unesco's aims, and to submit to its sixteenth session in 1970, a draft declaration embodying guiding principles to this end (15 C/5 Approved paragraph 1282). It also authorized the convening of a meeting of governmental experts on international arrangements in the space communication field. The findings of this meeting were to provide the basis for a Declaration.

8. The meeting, held at Unesco Headquarters in December 1969, was attended by governmental representatives from 61 countries as well as observers from a number of international organizations. The experts stressed that international co-operation had to govern the entire application

of space communication if it were to serve the cause of peace and mutual understanding among peoples, and expressed the view that many of the issues raised could be dealt with in a declaration of guiding principles. Several delegations submitted suggestions as to principles which might be included in such a Declaration. The question of programme content was of overriding importance, many experts stated, and there was a need to safeguard the rights of audiences, both individually and collectively and in terms of their cultural heritage.

9. In the light of the conclusions of this intergovernmental meeting, the Director-General considered that there was insufficient time to undertake the necessary consultations for the preparation of a text for submission to the 1970 General Conference. Accordingly, the General Conference decided on the proposal of the Director-General, that the Draft Declaration should be submitted to its seventeenth session in 1972.

10. As a first step in the preparation of a Draft Declaration, a preliminary text was drawn up by two eminent experts in the field of international law, Professor Hilding Eek (Sweden) and Professor Fernand Terrou (France). This draft was then considered by a small Working Group which included several members of the Unesco Panel of Consultants on Space Communication.

11. A revised version was subsequently submitted for comment to a meeting of experts from the regional broadcasting unions and other broadcasting and news organizations, convened by Unesco in Paris in October 1971. The meeting made a number of detailed suggestions particularly with a view to the simplification of the text and its specific application to direct satellite broadcasts to community and individual receivers. These were taken into account in a subsequent revision, which led also to an amendment in the title which became Declaration of Guiding Principles on the Use of Satellite Broadcasting, instead of the wider term Space Communication as originally proposed. Account was also taken of further comments from an International Conference of Broadcasting Unions on Communication Satellites, held in Rome in March 1972 and attended by representatives of broadcasting organizations in various regions of the world.

12. The Unesco Panel of Consultants on Space Communication, meeting in Paris in November 1971, also examined the Draft Declaration and the text was subsequently revised in accordance with their advice.

13. In conformity with the work plan in the approved Programme and Budget for 1971-1972 (16 C/5 Approved paragraph 4042), a meeting of experts (category VI) was convened at Unesco Headquarters from 23-26 May 1972, to formulate a text for submission to the General Conference.

14. The meeting was attended by experts invited by the Director-General to participate in a personal capacity on the basis of suggestions made by the National Commissions for Unesco from the following countries: Argentina, Brazil, Arab Republic of Egypt, France, India, Indonesia, Nigeria, Poland, Senegal, United Kingdom, United States of America, Union of Soviet Socialist Republics.

15. The experts examined the Draft Declaration in detail and suggested a considerable number of revisions. The meeting then unanimously recommended a text to the Director-General.

16. Finally, it should be noted that in the formulation of the Draft Declaration, close co-operation has been maintained with the United Nations and the International Telecommunications Union. Observers from the United Nations and the International Telecommunications Union have attended all the three Unesco meetings in Paris in 1971-1972 which have discussed the Draft Declaration. The United Nations Committee on the Peaceful Uses of Outer Space has also been kept regularly informed of the progress of work on the Draft Declaration. The text appearing in Part II of the present report has been transmitted by the Director-General to the Secretary-General of the United Nations and the Secretary-General of the International Telecommunications Union with a communication inviting their comment. The replies received will be brought to the notice of the General Conference.

17. Set out in Part II of this document is the text of the Draft Declaration as recommended by the meeting of experts in May 1972, with some minor modifications of form. The Director-General submits this text for consideration and adoption by the General Conference.

PART II

DRAFT DECLARATION OF GUIDING PRINCIPLES ON THE USE OF SATELLITE BROADCASTING FOR THE FREE FLOW OF INFORMATION THE SPREAD OF EDUCATION AND GREATER CULTURAL EXCHANGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris at its seventeenth session in 1972,

Recognizing that the development of communication satellites capable of broadcasting programmes for community or individual reception establishes a new dimension in international communication,

Recalling that under its Constitution the purpose of Unesco is to contribute to peace and security by promoting collaboration among the nations through education, science and culture, and that, to realize this purpose, the Organization will collaborate in the work of advancing the mutual knowledge and understanding of peoples through all means of mass communication and to that end recommend such international agreements as may be necessary to promote the free flow of ideas by word and image,

Recalling that the Charter of the United Nations specifies, among the purposes and principles of the United Nations, the development of friendly relations among nations based on respect for the principle of equal rights, the non-interference in matters within the domestic jurisdiction of any State, the achievement of international co-operation and the respect for human rights and fundamental freedoms,

Bearing in mind that the Universal Declaration of Human Rights proclaims that everyone has the right to seek, receive and impart information and ideas through any media and regardless of frontiers, that everyone has the right to education and that everyone has the right freely to participate in the cultural life of the community, as well as the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author,

Recalling the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space (resolution 1962 (XVIII) of 13 December 1963), and the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 1967 (hereinafter referred to as the Outer Space Treaty),

Taking account of United Nations General Assembly resolution 110 (II) of 3 November 1947, condemning propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, which resolution as stated in the preamble to the Outer Space Treaty is applicable to outer space; and the United Nations General Assembly resolution 1721 D (XVI) of 20 December 1961 declaring that communication by means of satellites should be available as soon as practicable on a global and non-discriminatory basis,

Bearing in mind the Declaration of the Principles of International Cultural Co-operation adopted by the General Conference of Unesco, at its fourteenth session,

Considering that radio frequencies are a limited natural resource belonging to all nations, that their use is regulated by the International Telecommunications Convention and its Radio Regulations and that the assignment of adequate frequencies is essential to the use of satellite broadcasting for education, science, culture and information,

Noting the United Nations General Assembly resolution 2733 (XXV) of 16 December 1970 recommending that Member States, regional and international organizations, including broadcasting associations, should promote and encourage international co-operation at regional and other levels in order to allow all participating parties to share in the establishment and operation of regional satellite broadcasting services,

Noting further that the same resolution invites Unesco to continue to promote the use of satellite broadcasting for the advancement of education and training, science and culture, and in consultation with appropriate intergovernmental and non-governmental organizations and broadcasting associations, to direct its efforts towards the solution of problems falling within its mandate,

Proclaims on the day of 1972, this Declaration of Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange:

Article I

The use of Outer Space being governed by international law, the development of satellite broadcasting shall be guided by the principles and rules of international law, in particular the Charter of the United Nations and the Outer Space Treaty.

Article II

1. Satellite broadcasting shall respect the sovereignty and equality of all States.

2. Satellite broadcasting shall be conducted with due regard for the rights of individual persons and non-governmental entities, as recognized by States and international law.

Article III

1. The benefits of satellite broadcasting should be available to all countries without discrimination and regardless of their degree of development.

2. The use of satellites for broadcasting should be based on international co-operation world-wide and regional, intergovernmental and professional.

Article IV

1. Satellite broadcasting provides a new means of disseminating knowledge and promoting better understanding among peoples.

2. The fulfilment of these potentialities requires that account be taken of the needs and rights of audiences, as well as the objectives of peace, friendship and co-operation between peoples, and of economic, social and cultural progress.

Article V

1. The objective of satellite broadcasting for the free flow of information is to ensure the widest possible dissemination, among the peoples of the world, of news of all countries, developed and developing alike.

2. Satellite broadcasting, making possible instantaneous world-wide dissemination of news, requires that every effort be made to ensure the factual accuracy of the information reaching the public. News broadcasts shall identify the body which assumes responsibility for the news programme as a whole, attributing where appropriate particular news items to their source.

Article VI

1. The objectives of satellite broadcasting for the spread of education are to accelerate the expansion of education, extend educational opportunities, improve the content of school curricula, further the training of educators, assist in the struggle against illiteracy, and help ensure life-long education.

2. Each country has the right to decide on the content of the educational programmes broadcast by satellite to its people and, in cases where such programmes are produced in co-operation with other countries, to take part in their planning and production, on a free and equal footing.

Article VII

1. The objective of satellite broadcasting for the promotion of cultural exchange is to foster greater contact and mutual understanding between peoples by permitting audiences to enjoy, on an unprecedented scale, programmes on each other's social and cultural life including artistic performances and sporting and other events.

2. Cultural programmes, while promoting the enrichment of all cultures, should respect the distinctive character, the value and the dignity of each, and the right of all countries and peoples to preserve their cultures as part of the common heritage of mankind.

Article VIII

Broadcasters and their national, regional and international associations should be encouraged to co-operate in the production and exchange of programmes and in all other aspects of satellite broadcasting including the training of technical and programme personnel.

Article IX

1. In order to further the objectives set out in the preceding articles, it is necessary that States, taking into account the principle of freedom of information, reach or promote prior agreements concerning direct satellite broadcasting to the population of countries other than the country of origin of the transmission.

2. With respect to commercial advertising, its transmission shall be subject to specific agreement between the originating and receiving countries.

Article X

In the preparation of programmes for direct broadcasting to other countries, account shall be taken of differences in the national laws of the countries of reception.

Article XI

The principles of this Declaration shall be applied with due regard for human rights and fundamental freedoms.